IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 20157 of 2007(Y)

PETITIONER:

SYED NOORRUDHEEN, AGED 54 YEARS,
S/O.SAIDE KHADER,MUBARAK MANZIL,
THRIKKAKARA NORTH VILLAGE,
KAVUNGAPPADAM DESOM,KANAYANNUR TALUK,
ERNAKULAM.

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT
LOCAL ADMINISTRATION DEPARTMENT
GOVERNMENT SECRRETARIAT,TRIVANDRUM.

2. THE REGISTRAR OF BIRTH & DEATH CUM
SECRETARY,THRISSUR CORPORATION,
THRISSUR.

3. SUB-DIVISIONAL MAGISTRATE,AYYANTHOLE,
THRISSUR-3.

BY ADV. SRI.K.B.MOHANDAS,SC,THRISSUR CORPORATIO
SRI.LELLULAL T.G.THUNDATHIL
GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.20157 OF 2007

DATED THIS THE 6th DAY OF AUGUST, 2007

JUDGMENT

The petitioner is the adoptive father of N. Syed Riswanuddeen. By Ext.P2 proceedings, the 3rd respondent passed orders under Rule 9 (3) of the Kerala Registration of Births and Deaths Rules 1969 directing registration of birth of the said N. Syed Riswanuddeen, S/o. Syed Noorudheen & Mumthas born on 22.10.02. The Secretary of Thrissur Corporation was directed to register the birth after realising proper late fee etc. Pursuant thereto, Ext.P3 certificate has been issued. The petitioner has approached this Court for correction of Ext.P3 birth certificate. The petitioner required two corrections. First is the name of the child since instead of 'N. Syed Riswanuddeen', the name was given as 'Syed Rizwanuddeen'. Secondly, instead of name of parents, the parents are shown as only guardians. According to the petitioner, in so far as on adoption, the petitioner and his wife have become the parents of the child, they should be shown as parents of the child instead of guardians. The 2nd respondent would contend that the Government of Kerala has issued Ext.R2 circular dated 26.11.2997 in which it has been directed that when children are adopted, in the

birth certificate issued, instead of parents' names it may be mentioned as names of guardians.

2. It is settled law that once a child is adopted, the adoptive parents become the legal parents of the child. In fact that is exactly what is contemplated by Ext.P2 order of the Sub Divisional Magistrate who has categorically stated that minor child Sri. N. Syed Riswanuddeen is the S/o. Syed Noorudheen & Mumthas. Any direction contrary to this law would not stand the test of constitutional provisions.

3. Accordingly, I direct the 2nd respondent to issue corrected birth certificate correcting the name of the child and showing the names of the petitioner and his wife as parents instead of guardians as required by the petitioner. This shall be done within two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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